

ALAIN LENORD
FED. REG. NO: 01365-138
F.C.I. SCHUYLKILL
FEDERAL CORRECTIONAL INSTITUTION
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FILED
IN CLERKS OFFICE
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U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA

PLAINTIFF,

CASE NO: 18-10479-PBS
EMERGENCY MOTION FOR
COMPASSIONATE RELIEF DUE
TO CORONAVIRUS, FIRST STEP
ACT. (FIS)

VS.

DEFENDANT

COMES NOW ALAIN LENORD, IN A PRO SE CAPACITY
AND RESPECTFULLY FILES THIS MOTION FOR COMPASSIONATE
RELEASE AND PURSUANT TO 18 U.S.C. § 3624 AND 18
U.S.C. 4042 (DUTIES OF BUREAU OF PRISONS) AND THE
FIRST STEP ACT OF 2018. GIVEN THE EXCEPTIONAL
CIRCUMSTANCES OF THE CURRENT CORONAVIRUS PANDEMIC,
MR. LENORD FILES THIS AS AN EMERGENCY MOTION AND
INVOKES BUREAU OF PRISONS PROGRAM STATEMENT 5050.50.

ON DECEMBER 21, 2018, CONGRESS PASSED AND THE
PRESIDENT SIGNED INTO LAW THE "FIRST STEP ACT OF 2018"
WHICH AMONG OTHER THINGS CHANGED THE LAW GOVERNING
COMPASSIONATE RELEASE UNDER TITLE 18 USE §§ 3582
AND 4205(g). AMONG THOSE CHANGES A PRISONER MAY
PETITION THE SENTENCING COURT FOR COMPASSIONATE RELEASE
REDUCTION OF SENTENCE AFTER THE WARDEN OF PRISONS
FAILS TO RESPOND TO PRISONER'S REQUEST OR AFTER
THE PRISONER HAS EXHAUSTED ADMINISTRATIVE REMEDIES
28 CFR 571.61-62.

GIVEN THE CURRENT EVENTS OF THE CORONAVIRUS PANDEMIC, MR. LEWIS IS VERY CONCERNED, AND FOR GOOD REASON, THAT HE WILL GET INFECTED BY THE VIRUS WHILE IN THE CUSTODY OF THE BUREAU OF PRISONS. THE BUREAU OF PRISONS ("BOP") HAS REPORTED THAT A TOTAL OF EIGHTY NINE INMATES HAVE DIED. THE FIRST INMATE WAS PATRICK JONES (BOP 83582-183) WHO DIED AS A RESULT OF THE CORONAVIRUS ON MARCH 28, 2020. THE NUMBERS CONTINUE TO INCREASE AND KEEP SPREADING. MORE THAN 200 INMATES IN ONE PRISON ALONE, FCI OAKDALE ARE UNDER QUARANTINE, AND OVER 30 STAFF MEMBERS HAVE TESTED POSITIVE FOR THE DISEASE. MORE THAN 500 INMATES NATIONWIDE ARE INFECTED. THE BOP IS NOT EQUIPPED WITH THE NECESSARY STAFF AND MEDICAL SUPPLIES NEEDED TO HANDLE THE RAPID SPREAD OF THE VIRUS. SEE 18 USC 4042 DUTIES OF THE BUREAU OF PRISONS; (2) provide suitable quarters and provide for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise; (3) provide for the protection...

ALREADY JURISDICTIONS AROUND THE COUNTRY HAVE BEGUN RELEASING PRISON POPULATIONS THAT ARE SUSCEPTIBLE TO COVID-19 EXPOSURE. COUNTY AND STATE LEVEL JAILS HAVE RELEASED INMATES AND CONTINUE TO RELEASE THEM. BOARD OF CORRECTIONS CALLS ON CITIES TO CONTINUE PROCESSING THE RELEASE OF CERTAIN PRISONERS ASAP.

IN RESPONSE TO THE MOUNTING PANIC, U.S. ATTORNEY GENERAL WILLIAM P. BARR IN EARLY APRIL DIRECTED FEDERAL PRISONS OFFICIALS TO ACCELERATE AND EXPAND EARLY RELEASE PROGRAMS FOR THE SICKEST AND INMATES AT THE END OF THEIR PRISON SENTENCES. HENCE, RELEASE UNDER 18 § 3624(c) IS PARTICULARLY WARRANTED IN THIS CASE BECAUSE MR. LENORD DOES NOT PRESENT SUBSTANTIAL RISKS TO THE COMMUNITY BECAUSE UPON HIS RELEASE HE WILL BE ON A TERM OF THREE YEARS SUPERVISED RELEASE.

THIS COURT HAS ITS SUPERVISORY POWERS TO CONSIDER THE RAPID CHANGING WORLD CONDITIONS AND PROTECT THE SAFETY OF MR. LENORD. THE BUREAU OF PRISONS IS NOT A HOSPITAL AND WILL NOT GIVE HIM THE ADEQUATE CARE ONCE HE IS INFECTED. THE EVIL AND CONTAGIOUS VIRUS ATTACKS THE RESPIRATORY SYSTEM AND SEEKS PERSONS WITH WEAK IMMUNE DEFENSE. THERE IS NO CARE OR CURE FOR THIS DEADLY VIRUS. MR. LENORD IS TORMENTED WITH THE THOUGHT THAT HE COULD EASILY BE SUCCEDED TO THIS DISEASE. HE IS AT HIGH RISK ACCORDING TO THE CENTERS FOR DISEASE CONTROL. THE RISK IS HEIGHTENED BY THE CIRCUMSTANCES INSIDE OF THE BOP, WHERE THERE IS ALREADY CONFIRMED POSITIVE INMATES, SEVERAL OTHER INMATES ARE UNDER QUARANTINE. MR. LENORD CANNOT PRACTICE REGULAR HAND HYGIENE, AND HE CANNOT EFFECTIVELY SOCIAL DISTANCE HIMSELF.

MR. LENORD HAS LEARNED SIGNIFICANTLY FROM HIS MISTAKES THAT BROUGHT HIM TO HIS INCARCERATION. HE IS CURRENTLY SERVING A 37 MONTH SENTENCE FOLLOWED WITH THREE YEARS SUPERVISED RELEASE. MR. LENORD WILL SIGN UP FOR APPROPRIATE COURT PROGRAMS AS WELL WITH RESTART, AS WHAT WAS SPOKEN DURING SENTENCING. HE WILL PURSUE HIS VOCATIONAL TRAINING FOR CULINARY ARTS AND

FURTHER HIS ADULT EDUCATION. HE HAS A FATHER NAMED RAYMOND CATJSTE WHO IS 77 YEARS OLD AND HAS HIGH BLOOD PRESSURE. HIS MOTHER PASCALE CATJSTE IS THE FATHER'S CARETAKER. MR. LENORD HAS A VERY STRONG SUPPORT SYSTEM BOTH PARENTS NEED HIS HELP WITH TAKING CARE OF HIS FATHER. HIS MOTHER CAN'T WORK DUE TO BEING THE ONLY CARETAKER. DOCTOR APPOINTMENTS HAVE BECOME VERY HARD FOR HIS PARENTS. MR. LENORD IS DIAGNOSED WITH ASTHMA HIMSELF. HE HAS READIED HIMSELF TO REENTER SOCIETY AS A CONTRIBUTING MEMBER. MR. LENORD HAD AN OPEN STATE CASE THAT WAS COMPLETELY DISMISSED. HE WILL BE EMPLOYED AT LLC MARATHON MILE UPON HIS RELEASE. MR. LENORD FEARS THAT IT'S JUST A MATTER OF TIME BEFORE HE BECOMES SICK AND THE BOP DOES NOT HAVE A CURE TO SAVE HIS LIFE. AS FAR AS OBTAINING MEDICAL INSURANCE, HE WILL BE ADDED TO HIS PARENTS POLICY.

MR. LENORD HAS STANDING TO BRING THIS MOTION AND DOES NOT NEED TO PROVE HE WILL DIE IN PRISON. THE COURT IS AWARE OF THE MAJOR PANDEMIC THAT IS SPREADING RAPIDLY ALL OVER THE WORLD.

MR. LENORD DESERVES MERCY WITH THE PASSAGE OF THE FIRST STEP ACT, CONGRESS EMPHASIZED THE IMPERATIVE OF REDUCING UNNECESSARY INCARCERATION AND AVOIDING UNDOULY PUNITIVE SENTENCES THAT DO NOT SERVE THE ENDS OF JUSTICE. UNITED STATES V. SIMONS, NO. 07. CR-00874, 2019 WL 1760840, AT *8 (E.D.N.Y. APR. 22, 2019).

THE NEW YORK TIMES HAS EXPLAINED THAT JAILS ARE A MUCH MORE DANGEROUS PLACE TO BE THAN A CRUISE SHIP. SOAP AND HAND SANITIZER IS ONLY AVAILABLE IF ONE CAN PURCHASE IT FROM COMMISSARY.

ACCORDINGLY, BECAUSE HE QUALIFIES FOR COMPASSIONATE RELIEF UNDER THE FIRST STEP ACT OF 2018, § 3624, AS WELL AS WITH CONSIDERATION FOR A REDUCTION IN SENTENCE. THE BOP CANNOT PROTECT HIM PURSUANT TO 18 USC 4042, THE CURRENT CONDITIONS MILITATE STRONGLY IN FAVOR OF GRANTING COMPASSIONATE RELIEF. SEE USA V. FRANKLIN CAMPOS (E.D.N.Y. 93-CR-1022) GRANTING CAMPOS SERVING A LIFE SENTENCE TO COMPASSIONATE RELEASE.

WHEREFORE, I RESPECTFULLY REQUEST THAT THIS HONORABLE COURT GIVE MR. LENORD MEANINGFUL CONSIDERATIONS AND GRANT THIS MOTION IN THE NAME OF JUSTICE OR ANY RELIEF THIS COURT DEEMS APPROPRIATE.

RESPECTFULLY SUBMITTED,
s/ Allain Lenord
ALLAIN LENORD

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AUGUST 2020
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